

Tennessee Department of Environment and Conservation

General Aquatic Resource Alteration Permit for Maintenance Activities



Effective Date:

Expiration Date:

Activities Covered by this Permit

This general permit authorizes the maintenance of existing, currently serviceable structures or fills, such as dams, intake and outfall structures, utilities, culverts, and bridges in waters of the state. “Currently serviceable” means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

In addition, this general permit also authorizes:

- Replacement of headwall structures when they are no longer currently serviceable.
- Replacement of culverts where they are no longer currently serviceable.
- Excavation of accumulated sediments and debris obstructing or impeding the function of existing structures, for a cumulative maximum of 100 linear feet immediately above and/or below the structure.
- Placement of clean rock fill material within 25 feet upstream and 25 feet downstream of existing structures, where the erosive action of flowing water has undermined structural integrity. Rebuilding of the structure is not covered.
- Minor deviations in the structure’s configuration or filled area including those due to changes in materials, construction techniques, current construction codes, or safety standards which are required as part of repair or rehabilitation.

Certain activities due to size, location or potential water quality impacts are not covered under this general permit, as described in both the Special and General Conditions sections. Activities not qualifying for authorization under this general permit may be authorized by a standard (individual) permit provided that all requirements of the *Tennessee Water Quality Control Act of 1977* (the Act) are met.

Special Conditions

1. The length of the pipe or culvert structure may not be increased in a manner that encapsulates any additional length of open stream or wetland.
2. The capacity or diameter of the culvert may be increased during replacement, providing it does not result in channel widening or other channel destabilization.
3. Increasing dam height, or other activity resulting in increased impoundment area or volume, or change in downstream water quality is not covered.
4. Dewatering of impoundments to conduct dam maintenance must be performed in a controlled manner designed to prevent the release of accumulated sediments into downstream waters.
5. All riprap associated with maintenance activities shall be placed to mimic the existing contours of the stream channel. Riprap shall be countersunk and placed at the grade with the existing stream substrate. Voids within the riprap shall be filled with suitable bedload substrate to prevent stream flow loss within the riprap areas. Suitable substrate does not include soil. Over-excavation or grouting for placement of riprap is not covered.

General Conditions

1. The amount of fill, stream channel and bank modifications, or other impacts associated with the activity shall be limited to the minimum necessary to accomplish the project purpose. The permittee shall utilize the least impactful practicable method of construction.
2. All activities must be accomplished in conformance with the approved plans, specifications, data, and other information submitted in support of the ARAP application (form CN-1091) (except where no application is required as specified below) and the limitations, requirements, and conditions set forth herein. Failure to comply with the terms and conditions of this permit is a violation of the Act.
3. Activities, either individually or cumulatively, that may result in an appreciable permanent loss of resource values to streams or wetlands are not covered. This general permit shall not be used incrementally to combine with other activities resulting in a net loss of water resource values.
4. Clearing, grubbing, and other disturbance to riparian vegetation shall be kept at the minimum necessary for slope construction and equipment operations. Unnecessary riparian vegetation removal, including tree removal, is prohibited. Native riparian vegetation must be reestablished after work is completed. Non-native, non-invasive annuals may be used as cover crops until native species are established. Coverage under this permit does not serve to waive any local riparian buffer protection requirement, and permittees are responsible for obtaining any necessary local approval.
5. Widening of the stream channel as a result of this activity is prohibited.
6. This activity may not result in the permanent disruption to the movement of fish or other aquatic life upon project completion.
7. Blasting within 50 feet of any jurisdictional stream or wetland is prohibited.
8. Activities that directly impact wetlands, or impair surface water flow into or out of any wetland areas are not covered.
9. Activities occurring in known or likely habitat of state or federally listed threatened, endangered, deemed in need of management, or species of special concern may not be authorized without prior coordination with the Tennessee Wildlife Resources Agency (TWRA) and TDEC Division of Natural Areas (DNA) to determine if any special conditions are required to avoid and/or minimize harm to the listed species or their habitat. Adverse effects to federally listed threatened and endangered species are not authorized by this permit, and require prior authorization from the United States Fish and Wildlife Service (USFWS) as required by Section 7 or Section 10 under the Endangered Species Act.
10. Work shall not commence until the permittee has obtained all necessary authorizations pursuant to applicable provisions of section 10 of The Rivers and Harbors Act of 1899, section 404 of the Clean Water Act, section 26a of The Tennessee Valley Authority Act, section 402 of the Clean Water Act (including, but not limited to, an NPDES permit for construction stormwater), or any other federal, state, or local laws.
11. Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. The completed activities may not disrupt or impound stream flow.
12. The use of monofilament-type erosion control netting or blanket is prohibited in the stream channel, stream banks, and riparian corridor.
13. This permit does not authorize impacts to cultural, historic, or archaeological features or sites.
14. This permit does not authorize access to public or private property. Arrangements concerning the use of public or private property shall be made with the landowner. The permittee is responsible for

obtaining any additional permitting or maintenance agreements with other government or public agencies or lands.

15. Where practicable, all activities shall be accomplished in the dry. All surface water flowing towards this work shall be diverted using cofferdams and/or berms constructed of sandbags, clean rock (containing no fines or soils), steel sheeting, or other non-erodible, non-toxic material. All such diversion materials shall be removed upon completion of the work. Activities may be conducted in the flowing water if working in the dry will likely cause additional degradation. If work is conducted in the flowing water it must be of a short duration and with minimal impact.
16. All activities must be carried out in such a manner as will prevent violations of water quality criteria as stated in TDEC Rule Chapter 0400-40-03, or impairment of the uses of waters of the state as designated by Rule Chapter 0400-40-04.
17. Erosion prevention and sediment control measures must be in place and functional before any earth moving operations begin, and shall be designed according to the department's Erosion and Sediment Control Handbook (<http://tnepsc.org/handbook.asp>). Permanent vegetative stabilization using native species of all disturbed areas in or near the stream channel must be initiated within 15 days of project completion (see also Landscaping with Natives at tnepsc.org). Non-native, non-invasive annuals may be used as cover crops until native species can be established.
18. Temporary stream crossings shall be limited to one point in the construction area and erosion control measures shall be utilized where stream bank vegetation is disturbed. Stream beds shall not be used as linear transportation routes for mechanized equipment, rather, the stream channel may be crossed perpendicularly with equipment provided no additional fill or excavation is necessary.

Obtaining Permit Coverage

Maintenance activities limited to the excavation of accumulated sediments and debris obstructing or impeding the function of an existing structure, for a cumulative maximum of 100 linear feet immediately above and/or below the structure, and/or the placement of clean rock fill material within 25 feet upstream and 25 feet downstream of existing structures may be done without submittal of an application or written authorization from the division prior to the commencement of work, provided the work is performed in accordance with the permit terms and conditions.

Other proposed maintenance activities may obtain coverage by submitting a signed and completed application (form CN-1091), along with any other required information, to the division. Work shall not commence until a written Notice of Coverage (NOC) from the division is received. As noted above, not all activities may be eligible for coverage under this general permit and coverage may be denied when appropriate.

Each Notice of Coverage under this general permit is valid until the expiration date specified on the NOC. If the expiration date on an NOC extends beyond the date the General Permit is modified, reissued, or revoked, and the permittee has commenced or is under contract to commence this activity before the expiration date, the permittee may have up to 12 months from the date of the modification, reissuance, or revocation of the General Permit to complete the activity under the present terms and conditions of the general permit.

An application fee as established in Rule 0400-40-11-.02 will be assessed to applicants intending to receive an NOC to conduct activities under this general permit. An annual maintenance fee will be assessed to those individuals holding general permit coverage unless a Notice of Termination (NOT) form is received prior to the one-year anniversary of the issuance date of the NOC. An NOT form can be downloaded from the division's ARAP webpage (<https://www.tn.gov/environment/permit-permits/water-permits/aquatic-resource-alteration-permit-arap.html>).

APPROVED: _____

~~Tisha Calabrese Benton~~ Jennifer Dodd
Director, Division of Water Resources

DATE: _____

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